

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 1152

S.P. 431

In Senate, March 18, 1991

Reference to the Committee on Education suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator BRAUN of Knox  
Cosponsored by Senator GOULD of Waldo.

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### STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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**An Act to Provide Educational Choice.**

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Be it enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA c. 218 is enacted to read:

CHAPTER 218

TUITION VOUCHERS

§5701. Tuition Voucher Program

There is established within the department the Tuition Voucher Program to maximize educational opportunity for all children and allow family choice among different schools, both public and private.

§5702. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Participating school. "Participating school " means any school participating in the Tuition Voucher Program created by this chapter.

2. School. "School" means any public or private institution, enrollment at which constitutes compliance with compulsory education laws of the State.

§5703. Operation

1. Tuition Voucher Fund. The Tuition Voucher Fund is created within the department. It consists of those funds appropriated by the Legislature or other funds managed by the department to pay the State's share of elementary and secondary education expenses.

2. Fulfillment of compulsory education requirements. Students of school age may fulfill requirements of compulsory education as defined in section 5001-A by attending a school participating in the Tuition Voucher Program.

3. Participation by public and private schools. All public schools and private schools approved for tuition purposes must participate in the Tuition Voucher Program. Any other private school may participate in the Tuition Voucher Program, provided that the school complies with the terms and conditions of this Title.

4. Limited regulation of private schools. This chapter does not authorize state or local government regulation of private schools in addition to that otherwise provided by this Title.

2     §5704. Reimbursement of expenses

4             1. Calculation of reimbursement. The State shall reimburse  
6     schools that participate in the Tuition Voucher Program at the  
   following rate:

8             A. The total number of students enrolled in the  
10            participating private school, multiplied by 90% of the  
12            average annual per pupil expenditure for public elementary  
             and secondary students during the previous school year, as  
             determined by the commissioner.

14            2. Statement of enrollment. Any school participating in  
16     the Tuition Voucher Program shall develop and file with the  
   department a statement of enrollment. This statement of  
18     enrollment must be filed no later than September 15th of each  
   school year and must include the following information:

20            A. The name, address and birthdate of each student enrolled  
22            at the school; and

24            B. The total number of students enrolled at the school in  
   the school year for which reimbursement is requested.

26            3. Home instruction. The total number of students enrolled  
28     at the school as described in subsection 2, paragraph B includes  
   any student who receives course instruction at home or any other  
30     facility in this State, provided that the student receives that  
   instruction from an employee of the participating school and  
   under a curriculum approved by the school.

32            4. Challenges. The department may challenge any  
34     information contained in the statement of enrollment by sending a  
   written statement of the reason for the challenge to the school  
36     administrative unit within 30 days of receipt of the statement of  
   enrollment. The commissioner shall investigate the challenge and  
38     make a determination within 15 days of the challenge as to  
   whether to uphold or deny the challenge. The commissioner shall  
40     notify the school administrative unit in writing of the decision  
   on the challenge. If the challenge is upheld, the commissioner  
42     shall recalculate the rate of reimbursement as appropriate.

44            Sec. 2. Effective date. This Act takes effect July 1, 1992.

46                             STATEMENT OF FACT

48            This bill establishes the Tuition Voucher Program within the  
50     Department of Education to increase educational choice for  
   students and parents. Participation in the program would be

2 mandatory for public schools and for private schools approved for  
tuition purposes. Other private schools would have the option of  
participating. A student could choose to attend any  
4 participating school and the school would be reimbursed by the  
State based on the number of students it enrolls.